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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT PAPER NUMBER

2154

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/830,271

Applicant(s)

BALE ET AL.

Examiner

Ashok B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 1-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/26/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-38 are subject to examination. Claims 1-17 have been cancelled.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/6/05 has been entered.

Response to Arguments

3. Applicant's arguments with respect to claim 1-17 have been considered since they are provided for developing a better understating of the instant invention, and as such, Examiners would like to thank the Applicant.

Applicant has stated that:

- a. "In contrast, the applicant's claimed invention seeks to optimize the operation of the VMS /platform (especially its internal mail-box processing operations) by essentially preventing overload processing conditions. This is achieved by denying certain control signals access to the platform. This ensures that the VMs/platform is not overloaded as a result of the functionality those control signals would trigger if processed by the VMs/platform. The invention is thus quite different from Gallant. If

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the platform is not internally overloaded with processing mailbox control signals, as taught by the invention, the outgoing messages issued by the platform will also be limited." (page 13 of Remarks/Arguments) .

b. "In contrast, according to the applicant's invention, when several users or the service provider send control signals to the VMS, denying access to some of the control messages will mitigate the load offered to the VMS." (page 14 of Remarks/Arguments).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 18-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallant et al. (US 5, 802, 466) in view of Albrow et al. (herein after Albrow) (US 6, 038, 213) .

Referring to claim 18,

Gallant teaches a messaging platform including a message store arranged to receive message data and to store said message data for subsequent retrieval; a control interface arranged to allow the communication of control signals between the messaging platform and a service provider; (Fig. 1, element 106, col. 2, line 9-45).

Gallant specifically fails to teach an overload controller provider on the control interface and responsive to an overload condition of the platform and arranged, in

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response to the said overload condition, to limit loading of the platform by signals arriving on said control interface.

Albrow teaches an overload controller provider on the control interface and responsive to an overload condition of the platform and arranged, in response to the said overload condition, to limit loading of the platform by signals arriving on said control interface. (Abstract, col. 4, line 1-19, col. 5, line 51-65," The network has the following means of controlling access: (39) reducing the number of Aloha slots available (40) using the Access Control Parameter (41) restricting access to datagrams or call set-up requests only (42) restricting access to selected types of calls (43) restricting the number of time slots per frame assigned to a call. ")

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance Gallant by adding the teachings of Albrow into the platform such that Gallant's "method for optimizing communication traffic from a voice mail message center to a mobile communication device for indicating a status of a voice mailbox to the mobile communication device" is taken to the next level of optimizing the traffic on the network wherein "it's level of usage in the network is monitored and calls are progressively restricted, as each of a series of usage thresholds is reached", as taught by Albrow.

Referring to claim 19,

Gallant teaches a platform as in claim 18 wherein said control interface is arranged to receive control requests instructing transactions on the messaging platform. (Fig. 1, elements 106, col. 2, line 9-45).

Gallant fails to teach wherein said overload controller includes means for denying at least some of the control requests in response to the overload condition.

Albrow teaches wherein said overload controller includes means for denying at least some of the control requests in response to the overload condition. (Abstract, col. 4, line 1-19, col. 5, line 51-65, "The network has the following means of controlling access: (39) reducing the number of Aloha slots available (40) using the Access Control Parameter (41) restricting access to datagrams or call set-up requests only (42) restricting access to selected types of calls (43) restricting the number of time slots per frame assigned to a call.")

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance Gallant by adding the teachings of Albrow into the platform such that Gallant's "method for optimizing communication traffic from a voice mail message center to a mobile communication device for indicating a status of a voice mailbox to the mobile communication device" is taken to the next level of optimizing the traffic on the network wherein "it's level of usage in the network is monitored and calls are progressively restricted, as each of a series of usage thresholds is reached", as taught by Albrow.

Referring to claim 20,

Gallant teaches a platform as in claim 18 further comprising: an access controller arranged to receive data and control channels from one or more service providers (Fig. 1, elements 106, col. 2, line 9-45).

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Gallant specifically fails to teach an access controller connected to said overload controller, wherein said overload controller limits loading of said platform by signals arriving on the control interface by functioning in combination with said access controller.

Albrow teaches an access controller connected to said overload controller, wherein said overload controller limits loading of said platform by signals arriving on the control interface by functioning in combination with said access controller. (Abstract, col. 4, line 1-19; col. 5, line 51-65, "The network has the following means of controlling access: (39) reducing the number of Aloha slots available (40) using the Access Control Parameter (41) restricting access to datagrams or call set-up requests only (42) restricting access to selected types of calls (43) restricting the number of time slots per frame assigned to a call.")

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance Gallant by adding the teachings of Albrow into the platform such that Gallant's "method for optimizing communication traffic from a voice mail message center to a mobile communication device for indicating a status of a voice mailbox to the mobile communication device" is taken to the next level of optimizing the traffic on the network wherein "it's level of usage in the network is monitored and calls are progressively restricted, as each of a series of usage thresholds is reached", as taught by Albrow.

Referring to claim 21,

Gallant teaches a platform as in claim 18 further comprising: an access controller arranged to receive data and control channels from one or more service providers (Fig. 1, elements 106, col. 2, line 9-45).

Gallant specifically fails to teach an access controller connected to said overload controller, wherein said overload controller limits loading of said platform by signals arriving on the control interface by functioning in combination with said access controller, wherein said overload controller functions in combination with said access controller to limit loading of said platform by signals arriving on the control interface by configuring the access controller to deny access to the platform of certain predetermined signals.

Albrow teaches an access controller connected to said overload controller, wherein said overload controller limits loading of said platform by signals arriving on the control interface by functioning in combination with said access controller, (Abstract, col. 4, line 1-19, col. 5, line 51-65, "The network has the following means of controlling access: (39) reducing the number of Aloha slots available (40) using the Access Control Parameter (41) restricting access to datagrams or call set-up requests only (42) restricting access to selected types of calls (43) restricting the number of time slots per frame assigned to a call.")

Albrow also teaches wherein said overload controller functions in combination with said access controller to limit loading of said platform by signals arriving on the control interface by configuring the access controller to deny access to the platform of certain predetermined signals. (col. 1, line 12-21, "It is preferred that there are at least

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two classes of subscriber units, each class being restricted above a different threshold of number of messages being transmitted at a time. Thus subscribers can have different priorities in accessing the network when loading is high. Preferably each class has an associated access restriction value, and the base station transmits control messages to the subscriber units, the control messages including the current access control value to control from which class or classes of subscriber units access is restricted. Preferably, the access control value restricts at least one class of subscriber unit to making emergency calls only. At all times, all subscriber units can attempt to make emergency calls.”)

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance Gallant by adding the teachings of Albrow into the platform such that Gallant’s “method for optimizing communication traffic from a voice mail message center to a mobile communication device for indicating a status of a voice mailbox to the mobile communication device” is taken to the next level of optimizing the traffic on the network wherein “it’s level of usage in the network is monitored and calls are progressively restricted, as each of a series of usage thresholds is reached”, as taught by Albrow.

Referring to claim 22,

Gallant teaches a platform as in claim 18 wherein said service provider comprises an end user. (Fig. 1, “element 118, PCD”)

Referring to claim 23,

Gallant teaches a platform as in claim 18 wherein: said control interface is arranged to receive control requests instructing transactions on the messaging platform, (Fig. 1, elements 106, col. 2, line 9-45).

Gallant fails to teach said overload controller includes means for denying at least some of the control requests in response to the overload condition, and said overload in response to the overload condition, and said overload controller detects the rate of transactions between the access controller and a plurality of said service providers.

Albrow teaches said overload controller includes means for denying at least some of the control requests in response to the overload condition, (Abstract, col. 4, line 1-19, col. 5, line 51-65, "The network has the following means of controlling access: (39) reducing the number of Aloha slots available (40) using the Access Control Parameter (41) restricting access to datagrams or call set-up requests only (42) restricting access to selected types of calls (43) restricting the number of time slots per frame assigned to a call ".)

Albrow also teaches said overload controller detects the rate of transactions between the access controller and a plurality of said service providers. (col. 6, line 5-16).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance Gallant by adding the teachings of Albrow into the platform such that Gallant's "method for optimizing communication traffic from a voice mail message center to a mobile communication device for indicating a status of a voice mailbox to the mobile communication device" is taken to the next level of

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optimizing the traffic on the network wherein "it's level of usage in the network is monitored and calls are progressively restricted, as each of a series of usage thresholds is reached", as taught by Albrow.

Referring to claims 24 and 25,

Keeping in mind the teachings of Gallant, Gallant specifically fails to teach a platform as in claim 18 in which the overload controller is programmed with criteria for applying different classes of service to control requests received at the control interface and the overload controller is arranged, in response to an overload condition on the platform, selectively to deny control requests depending on a class of service assigned in accordance with the said criteria to the control request, and the criteria apply a class of service selected depending on the identity of a service provider originating the said control requests.

Albrow teaches the claimed elements in (Abstract, col. 4, line 1-19, col. 5, line 51-65, col. 1, line 22-34, col. 6, line 24-25, "Subscribers sharing a subscriber unit can have different priorities.")

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance Gallant by adding the teachings of Albrow into the platform such that Gallant's "method for optimizing communication traffic from a voice mail message center to a mobile communication device for indicating a status of a voice mailbox to the mobile communication device" is taken to the next level of optimizing the traffic on the network wherein "it's level of usage in the network is

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monitored and calls are progressively restricted, as each of a series of usage thresholds is reached", as taught by Albrow.

Referring to claim 26,

Although Gallant teaches the identity of a subscriber mailbox, Gallant specifically fails to teach a platform as in claim 18 in which the overload controller is programmed with criteria for applying different classes of service to control requests received at the control interface and the overload controller is arranged, in response to an overload condition on the platform, selectively to deny control requests depending on a class of service assigned in accordance with the said criteria to the control request, and in which the criteria apply a class of service selected depending on the identity of a subscriber to which the control request applies.

Albrow teaches the claimed elements in (Abstract, col. 4, line 1-19, col. 5, line 51-65, col. 1, line 22-34, col. 6, line 24-25, "Subscribers sharing a subscriber unit can have different priorities.")

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance Gallant by adding the teachings of Albrow into the platform such that Gallant's "method for optimizing communication traffic from a voice mail message center to a mobile communication device for indicating a status of a voice mailbox to the mobile communication device" is taken to the next level of optimizing the traffic on the network wherein "it's level of usage in the network is monitored and calls are progressively restricted, as each of a series of usage thresholds is reached", as taught by Albrow.

Referring to claim 27,

Although Gallant teaches the identity of a subscriber mailbox, Gallant specifically fails to teach a platform as in claim 18 in which the overload controller is programmed with criteria for applying different classes of service to control requests received at the control interface and the overload controller is arranged, in response to an overload condition on the platform, selectively to deny control requests depending on a class of service assigned in accordance with the said criteria to the control request, and in which the criteria apply different service classes depending on the transaction requested by the control request.

Albrow teaches the claimed elements in (Abstract, col. 4, line 1-19, col. 5, line 51-65, col. 1, line 12-34, col. 6, line 24-25," Subscribers sharing a subscriber unit can have different priorities.)

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance Gallant by adding the teachings of Albrow into the platform such that Gallant's "method for optimizing communication traffic from a voice mail message center to a mobile communication device for indicating a status of a voice mailbox to the mobile communication device" is taken to the next level of optimizing the traffic on the network wherein "it's level of usage in the network is monitored and calls are progressively restricted, as each of a series of usage thresholds is reached", as taught by Albrow.

Referring to claim 28,

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Gallant teaches messaging system comprising: a service platform running a messaging service application, and a messaging platform comprising; a message store arranged to receive message data and to store said message data for subsequent retrieval; a control interface arranged to allow the communication of control signals between the messaging platform and a service provider; and wherein said control interface is arranged to connect said messaging platform to the service platform, and said messaging platform is arranged to receive control requests from the service platform via said control interface. (Fig. 1, element 106, col. 2, line 9-45).

Gallant specifically fails to teach an overload controller provided on the control interface and responsive to an overload condition of the platform and arranged, in response to the said overload condition, to limit loading of the platform by signals arriving on said control interface.

Albrow teaches an overload controller provided on the control interface and responsive to an overload condition of the platform and arranged, in response to the said overload condition, to limit loading of the platform by signals arriving on said control interface. (Abstract, col. 4, line 1-19, col. 5, line 51-65, "The network has the following means of controlling access: (39) reducing the number of Aloha slots available (40) using the Access Control Parameter (41) restricting access to datagrams or call set-up requests only (42) restricting access to selected types of calls (43) restricting the number of time slots per frame assigned to a call.")

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance Gallant by adding the teachings of Albrow

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into the platform such that Gallant's "method for optimizing communication traffic from a voice mail message center to a mobile communication device for indicating a status of a voice mailbox to the mobile communication device" is taken to the next level of optimizing the traffic on the network wherein "it's level of usage in the network is monitored and calls are progressively restricted, as each of a series of usage thresholds is reached", as taught by Albrow.

Referring to claim 29,

Gallant teaches a messaging system as in claim 28 in which the service platform is remote from the messaging platform. (Fig. 1, element 106, col. 2, line 9-45).

Referring to claim 30,

Claim 30 is a claim to a communications network including a messaging platform as in claim 18. Therefore claim 30 is rejected for the reasons set forth for claim 18.

Referring to claim 31,

Claim 31 is a claim to a communications network including a messaging system as in claim 28. Therefore claim 31 is rejected for the reasons set forth for claim 28.

Referring to claim 32,

Gallant teaches a method of operating a messaging platform, the messaging platform comprising a message store arranged to receive message data and to store said message data for subsequent retrieval, a control interface arranged to allow the communication of control signals between the messaging platform and a service provider, the method comprising: a) storing message data on the messaging platform; b) subsequently outputting message data from the platform, thereby allowing

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retrieval of a corresponding message; (Fig. 1, element 106, col. 2, line 9-45).

Gallant fails to teach an overload controller provided on the control interface and responsive to an overload condition of the platform and arranged, in response to the said overload condition, to limit loading of the platform by signals arriving on said control interface and c) detecting an overload condition of the messaging platform; and, in response to the overload condition; and d) limiting loading of the messaging platform by signals arriving on the control interface.

Albrow teaches the claimed elements in Abstract, col. 4, line 1-19, col. 5, line 51-65, "The network has the following means of controlling access: (39) reducing the number of Aloha slots available (40) using the Access Control Parameter (41) restricting access to datagrams or call set-up requests only (42) restricting access to selected types of calls (43) restricting the number of time slots per frame assigned to a call.")

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance Gallant by adding the teachings of Albrow into the platform such that Gallant's "method for optimizing communication traffic from a voice mail message center to a mobile communication device for indicating a status of a voice mailbox to the mobile communication device" is taken to the next level of optimizing the traffic on the network wherein "it's level of usage in the network is monitored and calls are progressively restricted, as each of a series of usage thresholds is reached", as taught by Albrow.

Referring to claim 33,

Gallant teaches a method as in claim 32 further comprising: e) instructing a transaction on the messaging platform, (Fig. 1, elements 106, col. 2, line 9-45).

Gallant fails to teach wherein the step of limiting loading of the platform includes denying at least some of the control requests received via the control interface receiving via the control interface of the message platform control requests access to the platform.

Albrow the step of limiting loading of the platform includes denying at least some of the control requests received via the control interface receiving via the control interface of the message platform control requests access to the platform. (Abstract, col. 4, line 1-19, col. 5, line 51-65, "The network has the following means of controlling access: (39) reducing the number of Aloha slots available (40) using the Access Control Parameter (41) restricting access to datagrams or call set-up requests only (42) restricting access to selected types of calls (43) restricting the number of time slots per frame assigned to a call.")

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance Gallant by adding the teachings of Albrow into the platform such that Gallant's "method for optimizing communication traffic from a voice mail message center to a mobile communication device for indicating a status of a voice mailbox to the mobile communication device" is taken to the next level of optimizing the traffic on the network wherein "it's level of usage in the network is monitored and calls are progressively restricted, as each of a series of usage thresholds is reached", as taught by Albrow.

Referring to claims 34 and 35,

Gallant teaches a method as in claim 32 further comprising: receiving via the control interface of the message platform control requests instructing a transaction on the messaging platform (Fig. 1, elements 106, col. 2, line 9-45).

Gallant specifically fails to teach wherein the step of limiting loading of the platform includes denying at least some of the control requests received via the control interface access to the platform; applying different classes of service to the control requests; and, in response to the overload condition, selectively denying some only of the control requests depending on the class of service applied to the control requests, and applying different classes of service to control requests depending on the identity of an originating service provider.

Albrow teaches the claimed elements in (Abstract, col. 4, line 1-19, col. 5, line 51-65, col. 1, line 22-34, col. 6, line 24-25, "Subscribers sharing a subscriber unit can have different priorities.")

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance Gallant by adding the teachings of Albrow into the platform such that Gallant's "method for optimizing communication traffic from a voice mail message center to a mobile communication device for indicating a status of a voice mailbox to the mobile communication device" is taken to the next level of optimizing the traffic on the network wherein "it's level of usage in the network is monitored and calls are progressively restricted, as each of a series of usage thresholds is reached", as taught by Albrow..

Referring to claim 36,

Although Gallant teaches a method as in claim 32 further comprising: receiving via the control interface of the message platform control requests instructing a transaction on the messaging platform, (Fig. 1, elements 106, col. 2, line 9-45).

Gallant specifically fails to teach wherein the step of limiting loading of the platform includes denying at least some of the control requests received via the control interface access to the platform; applying different classes of service to the control requests; and, in response to the overload condition, selectively denying some only of the control requests depending on the class of service applied to the control requests; and applying different classes of service to control requests depending on identities of customer to which the control requests apply.

Albrow teaches the claimed elements in (Abstract, col. 4, line 1-19, col. 5, line 51-65, col. 1, line 22-34, col. 6, line 24-25, "Subscribers sharing a subscriber unit can have different priorities.")

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance Gallant by adding the teachings of Albrow into the platform such that Gallant's "method for optimizing communication traffic from a voice mail message center to a mobile communication device for indicating a status of a voice mailbox to the mobile communication device" is taken to the next level of optimizing the traffic on the network wherein "it's level of usage in the network is monitored and calls are progressively restricted, as each of a series of usage thresholds is reached", as taught by Albrow.

Referring to claim 37,

Gallant teaches a method as in claim 32 further comprising: receiving via the control interface of the message platform control requests instructing a transaction on the messaging platform, (Fig. 1, elements 106, col. 2, line 9-45).

Gallant specifically fails to teach wherein the step of limiting loading of the platform includes denying at least some of the control requests received via the control interface access to the platform; applying different classes of service to the control requests; and, in response to the overload condition, selectively denying some only of the control requests depending on the class of service applied to the control requests; and applying different classes of service to control requests depending on the transaction requested by the control request.

Albrow teaches the claimed elements in (Abstract, col. 4, line 1-19, col. 5, line 51-65, col. 1, line 22-34, col. 6, line 24-25, "Subscribers sharing a subscriber unit can have different priorities.")

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance Gallant by adding the teachings of Albrow into the platform such that Gallant's "method for optimizing communication traffic from a voice mail message center to a mobile communication device for indicating a status of a voice mailbox to the mobile communication device" is taken to the next level of optimizing the traffic on the network wherein "it's level of usage in the network is monitored and calls are progressively restricted, as each of a series of usage thresholds is reached", as taught by Albrow.

Referring to claim 38,

Gallant teaches a method as in claim 32 further comprising: receiving via the control interface of the message platform control requests instructing a transaction on the messaging platform, and wherein the messaging platform includes: a plurality of mailboxes containing message data, each mailbox being switchable between an open state, in which message data may be written to or read from the mailbox, and a closed state, (Fig. 1, elements 106, col. 2, line 9-45), and in which the step of limiting loading includes allowing requests for the closing of a mailbox and denying requests for the opening of a mailbox. (col.7, lines 28-35, opening a mailbox indicates that opening a mailbox for incoming mail after deleting the some of the mails which limits the load).

Gallant fails to teach wherein the step of limiting loading of the platform includes denying at least some of the control requests received via the control interface access to the platform; applying different classes of service to the control requests; in response to the overload condition, selectively denying some only of the control requests depending on the class of service applied to the control requests; and applying different classes of service to control requests depending on the transaction requested by the control request.

Albrow teaches wherein the step of limiting loading of the platform includes denying at least some of the control requests received via the control interface access to the platform; applying different classes of service to the control requests; in response to the overload condition, selectively denying some only of the control requests depending on the class of service applied to the control requests; and applying different

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classes of service to control requests depending on the transaction requested by the control request. (Abstract, col. 4, line 1-19, col. 5, line 51-65, "The network has the following means of controlling access: (39) reducing the number of Aloha slots available (40) using the Access Control Parameter (41) restricting access to datagrams or call set-up requests only (42) restricting access to selected types of calls (43) restricting the number of time slots per frame assigned to a call.", col. 1, line 22-34, col. 6, line 24-25, "Subscribers sharing a subscriber unit can have different priorities.")

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance Gallant by adding the teachings of Albrow into the platform such that Gallant's "method for optimizing communication traffic from a voice mail message center to a mobile communication device for indicating a status of a voice mailbox to the mobile communication device" is taken to the next level of optimizing the traffic on the network wherein "it's level of usage in the network is monitored and calls are progressively restricted, as each of a series of usage thresholds is reached", as taught by Albrow.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses,

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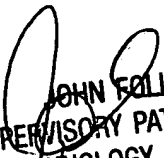
to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100